

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MIKE WALKER,)	
)	No. CV-06-0236-MWL
Plaintiff,)	
)	ORDER GRANTING JOINT
v.)	MOTION FOR REMAND
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security, ¹)	
)	
Defendant.)	

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 23). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 8). After considering the stipulation,

IT IS ORDERED that the above-captioned case be remanded for a de novo hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge ("ALJ") will: (1) fully evaluate and explain the weight given to the opinions of Michele White, Ph.D., and Dennis Pollack, Ph.D.; (2) evaluate the severity

¹As of February 12, 2007, Michael J. Astrue succeeded Defendant Acting Commissioner Linda S. McMahon as the Commissioner of Social Security. Pursuant to Fed. R. Civ. P. 25(d)(1), Commissioner Michael J. Astrue should be substituted as Defendant, and this lawsuit proceeds without further action by the parties. 42 U.S.C. § 405(g).

1 of the impairments of borderline intellectual functioning and/or
2 learning disorder and resulting functional limitations; (3) re-
3 evaluate the materiality of Plaintiff's drug addiction and
4 alcoholism, particularly evaluating the testimony of the medical
5 expert; and (4) consolidate and consider Plaintiff's application
6 of October 24, 2006 with this matter. The parties may also
7 present new argument and further medical evidence, if such
8 evidence becomes available.

9 Accordingly, this Court hereby reverses the Commissioner's
10 decision under sentence four of 42 U.S.C. § 405(g) with a remand
11 of the cause to the Commissioner for further proceedings. See
12 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

13 **IT IS FURTHER ORDERED:**

14 1. The parties Joint Motion to Remand (**Ct. Rec. 23**) is
15 **GRANTED**.

16 2. Judgment shall be entered for the **PLAINTIFF**.

17 3. An application for attorney fees may be filed by
18 separate motion.

19 4. The District Court Executive is directed to enter this
20 Order, forward copies to counsel, and thereafter shall **close** this
21 file.

22 DATED this 26th day of February, 2007.

23
24 S/ Michael W. Leavitt
25 MICHAEL W. LEAVITT
26 UNITED STATES MAGISTRATE JUDGE
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